



DT06 Rec'd PCT/PTO

18 NOV 2002

PCT
#6
Dec
12/1/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Richard J. Whitley et al.

Attorney Docket: UAB-16102/22

Serial No.: 10/009,972

Group Art Unit: 1638

Filed: February 14, 2002

Confirmation No. 5479

For: HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES
AND METHOD FOR TREATING CANCERS THEREWITHREQUEST FOR CORRECTED FILING RECEIPTAttn. Office of Initial Patent Examination
Customer Service Center
Assistant Commissioner for Patents
Washington, D.C. 20231

RECEIVED

DEC 10 2002

TECH CENTER 1600/2900

Dear Sir:

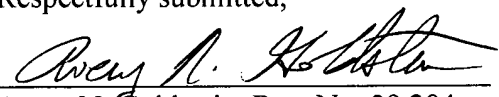
Applicant in the above-identified patent application respectfully requests a corrected Filing Receipt as indicated in red ink on a copy of the Filing Receipt attached hereto. Please correct the spelling of "Ness" to --Nuss--, per the inventor's declaration filed February 14, 2002, a copy of which is enclosed herewith.

If any fees or charges are necessary, please charge them to our Deposit Account No. 07-1180.

If the Examiner has any further questions relating to this application, Applicant's attorney may be reached at (248) 647-6000.


Respectfully submitted,

Date: 11/13/02


Avery N. Goldstein, Reg. No. 39,204
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward Avenue, Suite 400
Birmingham, MI 48009-5394
(248) 647-6000

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail, postage prepaid, addressed to: Attn. Office of Initial Patent Examination, Customer Service Center, Assistant Commissioner for Patents, Washington, D.C. 20231, on Nov. 13, 2002.


Janice R. Kuehn



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO.	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/009,972	02/14/2002	1638	420	UAB-16102/22	7	15	2

CONFIRMATION NO. 5479

25006

GIFFORD, KRASS, GROH, SPRINKLE
ANDERSON & CITKOWSKI, PC
280 N OLD WOODARD AVE
SUITE 400
BIRMINGHAM, MI 48009

FILING RECEIPT



OC000000007734046

Date Mailed: 04/01/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Richard J. Whitley, Birmingham, AL;
James MacDowell Markert, Birmingham, AL;
George Yancey Gillespie, Birmingham, AL;
Jacqueline ~~Nuss~~ Parker, Birmingham, AL;

Nuss

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US00/40165 06/08/2000
WHICH CLAIMS BENEFIT OF 60/138,173 06/08/1999
AND CLAIMS BENEFIT OF 60/144,314 07/16/1999

Foreign Applications

Projected Publication Date: Not Applicable, filed prior to November 29, 2000

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

RECEIVED
DEC 10 2002
TECH CENTER 1600/2900

RECEIVED
APR 08 2002

GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.

Herpes simplex virus expressing foreign genes and method for treating cancers therewith

Preliminary Class

435

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

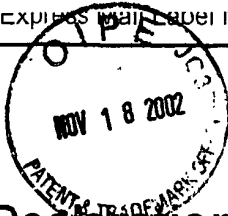
The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



Docket No.
UAB-16102/22

Declaration and Power of Attorney For Patent Application

English Language Declaration

COPY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled
HERPES SIMPLEX VIRUS EXPRESSING FOREIGN GENES AND METHOD FOR TREATING CANCERS THEREWITH

the specification of which

(check one)

☐ is attached hereto.

☒ was filed on 8 JUNE 2000 as United States Application No. or PCT International

Application Number PCT/US00/40165

and was amended on 1 OCT. 2001

(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, Section 119(a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate or PCT International application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s)

Priority Not Claimed

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

(Number)

(Country)

(Day/Month/Year Filed)

☐

I hereby claim the benefit under 35 U.S.C. Section 119(e) of any United States provisional application(s) listed below:

COPY

<u>60/138,173</u>	<u>8 JUNE 1999</u>
(Application Serial No.)	(Filing Date)
<u>60/144,314</u>	<u>16 JULY 1999</u>
(Application Serial No.)	(Filing Date)
<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)

I hereby claim the benefit under 35 U. S. C. Section 120 of any United States application(s), or Section 365(c) of any PCT International application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of 35 U.S.C. Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, C. F. R., Section 1.56 which became available between the filing date of the prior application and the national or PCT International filing date of this application:

<u>PCT/US00/40165</u>	<u>8 JUNE 2000</u>	<u>PENDING</u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)
<u> </u>	<u> </u>	<u> </u>
(Application Serial No.)	(Filing Date)	(Status)
		(patented, pending, abandoned)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

Ernest I. Gifford, 20,644
 Allen M. Krass, 18,277
 Irvin L. Groh, 17,505
 Douglas W. Sprinkle, 27,394
 Thomas E. Anderson, 31,318
 Ronald W. Citkowski, 31,005
 Judith M. Riley, 31, 561
 Douglas J. McEvoy, 34,385

Ellen S. Cogen, 38,109
 John G. Posa, 37,424
 Roberta J. Morris, 33,196
 Avery N. Goldstein, 39,204
 Douglas L. Wathen, 41,369
 Mark D. Schneider, 43,906
 Beverly M. Bunting, 36,072

COPY

Send Correspondence to: Ellen S. Cogen
 Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C.
 280 N. Old Woodward Avenue, Suite 400
 Birmingham, MI 48009-5394

Direct Telephone Calls to: (name and telephone number)
 Ellen Cogen at (248) 647-6000

Full name of sole or first inventor	Richard J. Whitley	
Sole or first inventor's signature	<i>Richard J. Whitley</i>	Date 1-3-02
Residence	Birmingham, Alabama	
Citizenship	US	
Post Office Address	216 Shades Crest Circle	
	Birmingham, AL 35216	

Full name of second inventor, if any	<i>James MacDowell Markert</i>	Date 1-4-02
Second inventor's signature	<i>James MacDowell Markert</i>	Date 1-4-02
Residence	Birmingham, Alabama	
Citizenship	US	
Post Office Address	4416 Clairmont Avenue	
	Birmingham, AL 35222	

COPY

Full name of third inventor, if any George Yancey Gillespie	
Third inventor's signature <i>George Yancey Gillespie</i>	Date <i>01/04/02</i>
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 4149 Cliff Road	
Birmingham, AL 35222	

Full name of fourth inventor, if any Jacqueline Ness Parker	
Fourth inventor's signature <i>Jacqueline Ness Parker</i>	Date <i>01/04/02</i>
Residence Birmingham, Alabama	
Citizenship US	
Post Office Address 2317 Misty Ridge Circle	
Birmingham, AL 35226	

Full name of fifth inventor, if any	
Fifth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	

Full name of sixth inventor, if any	
Sixth inventor's signature	Date
Residence	
Citizenship	
Post Office Address	



COPY

32479

9-9/720 49

DATE 2/13/02

GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 N. OLD WOODWARD, STE. 400
BIRMINGHAM, MI 48009-5394

PAY TO THE ORDER OF Commissioner of Patents & Trademarks \$ 65.00

Fifty - five & 00/100 DOLLARS

Comerica
Comerica Bank
Detroit, Michigan

FOR YAB-16102/pr JK

MP

1032479 1072000096 1840129546

Security Enhanced Document. See back for details.

COPY



POST OFFICE TO ADDRESSEE



EV 011110687 US

ORIGIN (POSTAL USE ONLY)

PO ZIP Code <u>48012</u>	Day of Delivery <input checked="" type="checkbox"/> Next <input type="checkbox"/> Second	Flat Rate Envelope <input type="checkbox"/>
Date In <u>02/14/02</u>	Postage \$ <u>12.45</u>	
Mo. Day Year <u>02 14 02</u>	<input type="checkbox"/> 12 Noon <input type="checkbox"/> 3 PM	
Time In <u>16:41</u>	Military <input type="checkbox"/> 2nd Day <input type="checkbox"/> 3rd Day	Return Receipt Fee
<input type="checkbox"/> AM <input checked="" type="checkbox"/> PM	Int'l Alpha Country Code	COD Fee Insurance Fee
Weight <u>4</u> lbs. <u>4</u> ozs.	Acceptance Clerk Initials <u>JL</u>	Total Postage & Fees \$ <u>12.45</u>
No Delivery <input type="checkbox"/> Weekend <input type="checkbox"/> Holiday		

SEE REVERSE SIDE FOR
SERVICE GUARANTEE AND LIMITS
ON INSURANCE COVERAGE

☐ WAIVER OF SIGNATURE (Domestic Only): Additional merchandise insurance is void if waiver of signature is requested. I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee judges that article can be left in secure location) and I authorize that delivery employee's signature constitutes valid proof of delivery.

NO DELIVERY ☐ Weekend ☐ Holiday

Customer Signature

CUSTOMER USE ONLY

METHOD OF PAYMENT: X480320

Express Mail Corporate Acct. No.

FROM: (PLEASE PRINT) 245 647 6008

PHONE ()

GLEFFORD KRASS GROW & ASSOC PC
280 N OLD WOODWARD AVE STE 400
BIRMINGHAM MI 48009-5394

Federal Agency Acct. No. or
Postal Service Acct. No.

TO: (PLEASE PRINT) 703 305 9282

PHONE ()

ASSISTANT COMMISSIONER FOR
PATENTS
WASHINGTON DC 20231-0001

Box PCT

ESL/JK UAB-16/02/22 2/14/02

FOR PICKUP OR TRACKING CALL 1-800-222-1811 www.usps.com



Custom r Copy
Label 11-F August 2000

F02
T12

6/ 2

The received stan the U.S. Patent and Trademark Office impr
hereon acknowledges the filing of:

- ☒ Transmittal Letter ☐ New Patent Application
- ☐ Page(s) Specifications ☐ Page(s) Claims
- ☐ Page(s) Abstract ☐ Sheets of Drawings
- ☐ Small Entity Declaration ☒ Declaration & Power of Atty
- ☐ IDS, PTO 1449 & Patents ☐ Assignment & Recordation Cover Sheet
- ☐ Amendment/Response ☒ Check \$65.00

JC10 Rec'd PCT/PTO 14 FEB 2002

Other:

Inventor: Richard J. Whitley et al.

Serial/Reg. No. 10/009,972 Atty Docket No. UAB-16/02/22

Date: 2/14/2002 Date Due: 2/14/2002

JK ☒ Cert. Of Mailing/Express Mail Label No. EV 011110687 US



RECEIVED
DEC 10 2002
TECH CENTER 1600/2900